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Executive Office
Oregon City Dec 22 1850

Sir

Your letter of the 9th of September last informing me that the President of the United States had by and with the advice and consent of the Senate appointed me Governor in & for the Territory of Oregon and enclosing the commission, was received by the last Steamer.

I tender to the President and his advisers my grateful acknowledgement for this mark of their respect and confidence

Hon D Webster
Secy of State
Washington D.C.

I am Sir &c
Jno P Gaines

January 4th 1851

Hon. Granville H Baker commissioned Judge of Probate Court for Linn County

February 1st 1851

Official oath of Hon. L A Rice taken before me and filed as Commissioner on Cayuse War Claims

Executive Department
Oregon City February 3d 1851

Gentleman of the Legislative Aſsembly

Understanding that an act concerning the establishment of the Seat of Government for this Territory had passed your honorable body on the 1st inst I sought for and obtained what purports to be a copy of the act and in the supposition that the paper furnished me is a true copy I propose to submit to your consideration a few observations upon it

The title is an Act to provide for the Selection of places for location and erection of Public Buildings of the Territory of Oregon
The 1st Section establishes the Seat of Government at Salem in Marion County

The 2d Section establishes the Penitentiary at Portland in Washington County and the 3d Section establishes the University at Marysville in Benton County

The 4th Section names three gentlemen as Commissioners to Superintend the erection of the public buildings and authorizes them to select one of their number as acting Commissioner who is required to give bond (without the usual requisition of Security) to the United States in the Sum of twenty thousand dollars to be approved by the Governor. for the faithful performance of his duty. and upon this board is devolved the *exclusive* duty of erecting the public buildings

The 9th Section provides for the erection of the Penitentiary in Portland in the Same manner and Subject to the Same restrictions prescribed for the erection of the public buildings at Salem: but the act is Silent as to the erection of the University at Marysville.

The act of Congress entitled "An act to establish the Territory of Oregon" approved August 14th 1848. provides in the concluding part of the Sixth Section. that to avoid improper influences which may result from intermixing. in one and the Same act Such things as have no proper relation to each other. every law shall embrace but one object and that Shall be expressed in the title."

The Concluding part of the fifteenth Section of the Same act provides, that "and the Sum of five thousand dollars out of any money in the treasury not otherwise appropriated is hereby appropriated and granted to Said Territory of Oregon to be there applied by the Governor to the erection of Suitable buildings at the Seat of Government." It is also provided in the Sixth Section of the Same act. that "any law or laws inconsistent with the provisions of this act Shall be utterly null and void

The act of Congress entitled "An act to make further appropriations for public buildings in the Territories of Minnesota and Oregon approved June 11th 1850 provides in the 1st Section that the Sum of twenty thousand dollars each be and the Same is hereby appropriated out of any money in the treasury not otherwise appropriated to be applied by the Governor and Legislative Assembly of the Territory of Minnesota and Oregon*

I have carefully compared the paper which purports to be a copy of your enactment with the above recited acts of Congress and am constrained to say with all due deference that to my mind it is not in conformity with either but in derogation of both. Every law should embrace "but one subject" and that expressed in the title." The place selected for the Penitentiary should have the concurrence of the executive, and the money appropriated for the erection of the public buildings should be "applied" with his sanction.

Entertaining these views I owe it to the Government and People of the United States whose agent I am, to the people of Oregon whose rights it is my duty to protect and to my official oath to decline any participation in executing your act.

I have thus frankly expressed my views in order that you may have an opportunity to substitute some other person to approve the bond of the acting Commissioner and to provide for filling vacancies in the boards of Commissioners.

Allow me to add in conclusion my hope that you will not adjourn without taking the most effectual steps to carry out my recommendation in my message at the commencement of the session to cause the public buildings to be erected.

I am respectfully
Your Obedient Servt.
John P. Gaines

* at such place as they may select in said Territories for the erection of Penitentiaries." And in the third section, "That the sum of twenty thousand dollars in addition to that appropriated in Section fifteen of an act to establish the Territorial Government of Oregon approved August fourteenth eighteen hundred and forty eight and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be applied by the Governor and Legislative Assembly of the Territory of Oregon to the erection of suitable public buildings at the seat of government of said Territory.

February 8th 1851

Levi A Rice Esq Commissioned Treasurer of Oregon Territory

February 20th 1851

Official Oath of James D Turner taken before me and filed as Territorial Librarian

Legislative Hall February 4th 1851

Gov-

I wish to call your attention to the fact that the Counties of Lane and Umpqua are unorganized Counties and that they can not organize at the next anual Election without the Governors proclamation uthorizing them to hold the Said Election and the Judges to make their returns direct to the Secratary of the Territory and nameing the places where the Elections may be held. I would name the houses of E F Skinner and Elijah Bristow as Suitable places for holding the first Election in Lane County and Jesse Applegate and Scottville as Suitable places in Umpqua County. These new Counties being so distant it would perhaps be well to issue the Proclamation in due time

Respectfully Yours
J C Avery

March 15th 1851

Official Bond of Asahel Bush filed as Territorial Printer

March 24th 1851

Official Bond of L A Rice approved and filed as Treasurer of Oregon Territory

March 24th 1851

Official Bond of F S Holland as Territorial Auditor approved and Commission issued

Executive Department
Oregon City March 26th 1851

Sir

Your note of the 24th Inst. informing me that you had been agreed upon as acting Commissioner to execute so much of the act of the last Legislature as relates to the location and building of a Penitentiary in Portland and enclosing your bond is received

For my opinion of the act of the Legislative Assembly to which you allude I respectfully refer you to my message of the 5th of February last to that body, your bond is herewith returned

Very Respectfully
Your Obedient Servt
Jno P Gaines

To
L B Hastings
Portland

March 27th 1851

Official Oath of F S Holland as Auditor of Oregon Territory filed

Proclamation

By John P Gaines Governor of the Territory of Oregon

Whereas by certain acts passed at the recent Session of the Legislative Assembly of the Territory of Oregon the new Counties of Lane and Umpqua were created and established with respective boundaries but inasmuch said acts do not prescribe the time and places of holding elections therein for the proper organization of said Counties. therefore for the purpose of aiding the effect and operation of Said Acts

I. John P Gaines Governor of Said Territory hereby proclaim and make known to the qualified electors of Said Counties and the district of country attached thereto for civil purposes. that on the first monday in June next elections will be held at the following places for Delegate to Congress one Representative for each of Said Counties in the Assembly and such Territorial and County officers as by law are authorized to be elected. Said elections to be conducted according to law and Clerks of each County when appointed and qualified to make due returns and certificate thereof to the office of the Secretary of the Territory

Lane County

At the house of Eugene Skinner - E Bristow's Pleasant Hill Jacob Spores,

Umpqua County

At the house of Jesse Applegate - Reason Reed on Callapooiah river - Umpqua ferry at the house erected by Aiken - Scottville head of tide water on Umpqua Bay or river,

Given under my hand at the executive office at Oregon City this twenty second day of March A D 1851

John P Gaines

Executive Department
Oregon City April 1st 1851

Hon Danl Webster
Secretary of State

Sir

In reply to a printed request addressed to me from your department by the Hon John M Clayton dated July 15th 1850 for Copies of the Laws of this Territory. I have the honor to enclose you a note from the Secretary of the Territory and also to forward to you by mail the pamphlet therein mentioned

I have the honor to be
Your Obt Svt
John P Gaines

Secretary Office
Oregon City April 1st 1851

Hon John P Gaines

Sir

In reply to the request of the State Department of the United States addressed you July 15th 1850 for copies of the Acts of the General Assembly of Oregon for 1847-1848-1849 & 1850 I have the honor to State that no acts of the assembly of this Territory have yet been published except in newspaper form and one pamphlet embracing a portion of the acts of 1850 a copy of which I send you.

Arrangements have been made for the publication of all the General and Local Statutes Journals &c Copies of which will be duly forwarded when Completed

Respectfully
Your Obdt Servt
E Hamilton

May 5th 1851

Official Oath of Chief Justice Nelson filed.

July 3rd 1851

Alvin T Smith Commissioned Judge of Probate Court in for Washington County

Oregon City Sept 16th 1851

John P Gaines
Gov. Oregon Territory

Dear Sir

Will you have the goodness to accept my resignation both as Treasurer of the Territory and Commissioner of Cayuse War claims

And much Oblige
Your Obt Servt
L A. Rice

Executive Department
Oregon City Sept 22d 1851

L A Rice Esq

Your resignation of the office of Treasurer of this Territory is accepted

Your resignation of the office of Commissioner of Cayuse War claims is declined

Very Respctf
Your Obt Servt
John P Gaines

September 27th 1851

Hon. William W Buck Commissioned Treasurer of the Territory of Oregon

September 29th 1851

Official Oath and bond of Hon W W Buck approved and filed

Executive Office
Oregon City Sept 19th 1851

Sir

In obedience to an act of Congress approved July 18th 1850 requiring the Governor of Oregon Territory to report to Congress anually a detailed statement of the expenditures of money appropriated by Congress for the use of said Territory which is expended under the order or supervision of the Governor and assembly.

I have the honour to report that the sum of five thousand dollars has been placed in my hands to be applied to the erection of suitable public buildings no part of which has been expended.

I have the honor to be
Very Respectf
Your Obt Servant
John P Gaines
Gov of Oregon

Hon Speaker of
the Senate U S
Washington City

Oregon City Sept 19th 1851

Estimate of Appropriations for the civil department in Oregon Territory for the fiscal year ending June 30th 1853-

Salery of Governor Secretary Marshall and three Judges	10900
Officers & Clerks	12.500
Contingent expences of the Assembly Printing Laws &c	6.340
Rents fuel &c for Offices of Governor & Secretary	1.000
Expences of Library Librarian &c	6.00
Contingent Expences of Executive department	1500
Expense of holding Courts	4.000
	$36.840

[illegible]

E Hamilton
Secty of Oregon
Terty

To his Excellency
John P Gaines
Governor of Oregon

Oregon City October 6th 1851

Answers Sent to letters from the following Communicating documents for the use of the Territory Viz

S G Sawyer Secty State Augusta Maine
C W Downing " " Tallahassee Florida
R. Wood Governor Columbus Ohio
W S Derrick Acting Secty Depart State Washington City
Joseph Henry Secty Smithsonian Institution do "
Geo Fred Haughton Agt International Exchange St Albans Vermont

December 8th 1851

Allan P Millar appointed Librarian of Oregon Territory to fill the vacancy occasioned by the removal from the Territory of James D Turner.

The information on file.

The Bond of Allan P Millar as Librarian approved and filed same day.

A full and free Pardon was granted William Kean convicted of Manslaughter at the April Term of the United States Court for the Second District, held "in" and for Washington County AD 1851 before Hon William Strong Judge, the offence committed on the body of one William Cook, and sentenced to Confinement in the Penitentiary for Six Years.

The Petitions numerously signed on file

March 1. 1852

Simon B Marye Esqr Commissioned Prosecuting Attorney for First and Second Judicial Districts

March 5. 1852

Quincy A Brooks Esqr Commissioned Prosecutor for Third Judicial District.

May 17th 1852

Enoch Smith who by representations made to me by a large number of respectable Citizens of the Territory was convicted of aiding and abetting in the murder of C C Hooker in Polk County at a term of the District Court recently held in Yam hill County and Sentenced to be hung on the 18th Inst. was this day respited and his execution Suspended until 2 oclock P.M on the 11th June next

Petitions on file

June 7 1852

The above named Enoch Smith was pardoned, on this day in Consideration of a doubt existing in the minds of a large number of the Citizens of Yamhill and Polk County, and their earnest request for executive Clemency

Petitions on file

Proclamation

By the Governor of the Territory of Oregon

I Jno P Gaines governor of the Territory of Oregon, in Consiteration that certain measures highly important to the interest of the Territory demand the action of the legislature at a period earlier than the regular annual Session, have deemed it an extraordinary occasion rendering a Special Session of the legislative assembly necessary and proper therefore by virtue of authority vested in me. I hereby proclaim and make known that a Special Session of the legislative assembly of the territory will be held at Salem in the County of Marion in Said territory on monday the 26th day of July next at which time and place the members thereof are requested to attend

Given under my hand and the Seal of the territory at the executive office in Oregon City this 24th day of June A D 1852

John P Gaines

By the Governor
E Hamilton
Secretary of Oregon Territory

June 25th 1852

Philip Foster Commissioned Commissioner of Road through Cascade Mountains in place of Wilbur declined

July 17th 1852

C M Walker and W L Adams, Commissioned Judges of Probate for Yamhill County

July 1852

Commissioned Judges of Probate for Umpqua County

Executive Office
Salem O T July 26th 1852

Fellow Citizens of the Council and House of Represintatives

The necessity of prompt legislation upon several matters of deep interest to the territory has impelled me to exercise the powers confered upon me by law, of convening you together in extra Session,

It is a Subject of Congratulation that the question of the Seat of government, upon which for some time past there has been an animated Conflict of opinion, not only between the Authorities, but between the Citizens of the Territory, has been determined by a tribunal, whose Authorative voice no one will presume to disobey; and it is my ardent and sincere desire, as I doubt not it is also that of every good Citizen, that hereafter no vexed question may arise to disturb energetic and harmonious action, so that by working together for the Common good, we may successfully develop the affluent resources of the fertile valley and extended Coasts of Oregon, It now becomes our imperative duty as it is our true interests to carry out. in good faith. the provisions of law upon the Subject our public buildings. and make use of all the legitimate means within our power for their Speedy erection,

Congress by Section 15 of an act to establish the Territorial Government of Oregon" approved August 14" 1848. appropriated the Sum of five thousand dollars to the Territory of Oregon. to be there applied by the Governor to the erection of Suitable buildings at the Seat of government

That body also by Section three of "an act to make further appropriations for public buildings in the territories of Minnesota and Oregon Approved June 11. 1850. appropriated the further Sum of twenty thousand dollars to be applied by the Governor and Legislative Assembly of Oregon. to the erection of Suitable public buildings at the Seat of government of Said territory, and by Section first of the Same act, appropriated the Sum of twenty thousand dollars to be applied by the Governor and Legislative Assembly of Oregon at Such place as they may Select in Said Territory for the erection of a Penitentiary

The Sum of twenty thousand dollars has thus been granted by the United States for the erection of public buildings at the Seat of Government and twenty thousand dollars for the erection of a Penitentiary

No part of this money has as yet been expended; It has been idle since its appropriation and has been of no Service whatever;

I have refrained from applying the Sum first granted by Congress by its act of the 14th Augst 1848. in the hope that by the action of the Territorial Legislature. I should be enabled to expend it at a place designated by the Legislative Assembly and in conjunction with the appropriation Subsequently made for the Same object.

The amount of the first appropriation is so small that of itself it would go but a little way towards accomplishing any useful end. but when combined with the additional one, it would secure a valuable purpose towards the erection of buildings sufficiently large and Commodious for the public wants at the Territorial Capital

It may be a Subject of grave doubt to what extent the Assemblys "Act to provide for the Selection of places for the location and erection of the public buildings of the territory of Oregon" has been Confirmed by the joint resolution which has recently passed both Houses of Congress.

But even if the whole Territorial Act has been Confirmed further action by the Legislative Assembly is necessary in order to supply the defects in the Acts. No Site was designated by that act upon which to erect the buildings at the Seat of government, nor has any provision ever been made by law for the Selection and purchase of the grounds thereof. By the fourth Section of act refered to it is enacted that John Force A. F. Waller and R. C. Reed. be and they are hereby Constituted a board of Commissioners to Superintend the erection of the buildings at the places designated in the first Section of this act, at the Seat of government, and the Said Commissioners or a majority of them. Shall agree upon a plan of Said buildings. and Shall issue proposals giving two months notice thereof. and Contract for the erection of Said buildings without delay And the Said Commissioners Shall agree upon one of their number to be acting Commissioner And Said acting Commissioner Shall give bond to the United States in the Sum of twenty thousand dollars to be approved by the Governor of this Territory for the faithful performance of his duty and Said bond Shall be filed in the office of the Secretary of this Territory By Sec 5th it is enacted that it Shall be the duty of Said acting Commissioner to Superintend the raising and finishing Said buildings And the Said acting Commissioner Shall have power to Call the Said board of Commissioners together for the purpose of transacting business on the Subject. It will be Seen from these Sections that the Commissioners are Simply clothed with power to agree upon a plan for the public buildings and to contract for and Superintend the erection of them at the seat of government they are not empowered by the Statute to determine nor Contract for the Site of grounds on which to make the erections. Their powers and duties relate to the buildings only and have no connection with the land. Being of Statuary Creation the Commissioners can exercise no other powers than those confered by the Statute itself. Before they can properly proceed to the discharge of their duties it is incumbent on the Assembly to Select and obtain or make provision for the Selection and obtainment of proper grounds

It would be useless for them to Contract for and impossible for them to Superintend the erection of the buildings until it is determined on what particular Site they are to be erected

I also respectfully suggest that the act gives no authority to any of the commissioners to draw money from the Several Sums appropriated by Congress for the object refered to, nor does it in any way limit the amount to be expended under their direction,

I recommend therefore that provision be made by law for the Selection and purchase of grounds at the Seat of government and for clearing up all ambiguities in which the Subject may at present be involved, so that all officers charged with the execution of any trust under Said location act may attend to their duties and carry out the provisions of the law according to the true intent and meaning thereof, The immediate want of a penitentiary is so obvious that it seems difficult to imagine how two minds can differ concerning it I therefore hope that effectual Steps will be taken for its speedy erection

The rearrangements of the Judicial districts is another matter to which your attention is invited. The rapid increase of population in the Southern and also in the Northern part of the Territory require that provision be made for the administration of the law at such points as Shall be convenient to the people, At present in the whole region South of the Calapooia mountains. Umpqua County is the only place in which district are authorised to be held. This cannot fail to produce Serious inconvenience and Subject to unnecessary expense many who from any Cause are obliged to attend Court. I recommend therefore to the Legislative Assembly to lay out anew the Judicial districts in such away as will best comport with the true interests of the people in the various Sections of the Country And in as much as by reason of absence Sickness or inability the proper Judge of the district may fail to attend and hold his Courts I recommend also that Some general law be passed authorising in Such Cases one of the Judges of the other districts to Supply his place So as to prevent a failure of Courts

By the Assembly Convened at Salem last winter an act was passed establishing Thurston County, north of the Columbia river On an inspection of this you will perceive by an over Sight no provision was made for holding Courts in it, or for annexing it to any other County for Judicial purposes; nor was it organized except by the title of the act A recent breif visit to that admirable portion of the Territory now rapidly filling up with an active and inteligent population Satisfied me that immediate Steps Should be taken to Secure to Such a Community the rights of protection by law in their various avocations; especialy as numerous tribes of Indians reside within the limits of this County and a revenue district of the United States is embraced in it where important Commercial questions may require prompt adjudication

I respectfully ask you to bestow your Serious attention and Consideration upon the present State of the laws of the Territory Nothing is more important to the people than to have a Complete System of laws adapted to the present Condition and future developments of the Country, Complaints are made against the present Statutes as being in many instances incongruous with each other and so uncertain so defective and so unsuitable as to fail to meet the just wants of the people

As the Citizen looks to the law for the regulation of his Civil Conduct, that law should be known in order that it should be observed. Great difficulty exists in ascertaining what is in fact the law, By the act of organization Congress adopted the laws of the provisional government with certain exceptions. The provisional government in its day adapted the laws of Iowa as far as they were applicable, Since that time the Territorial legislature have passed numerous acts of the efficacy of which there exists much diversity of opinion. Many of the laws now in force and which had their arogin in the days of the provisional government have never been printed. The doubt and obscurity which hang over many laws regulating the rights and duties of the Citizens must in the nature of things produce frequent disputes and lead to litigation between the inhabitants if not to Consequences still more deplorable

The delays that necessarily attend the administration of justice which the present laws themselves create is another reason why some new legislative action should be taken on the Subject, In a Country like Oregon where many of the inhabitants are so transitory in their habits where the main security that exists for the Collection of debt or redress of private injuries is personal responsibility, the speediest and most effective remedy should be provided for every right withheld and every wrong done, Unless such means be furnished the substantial and permanent citizens of the Country are liable to be at the mercy unprincipled adventurer who by art or fraud has induced them to permit property to be reduced into his possession

I recommend, therefore the appointment at the present session of a board of Commissioners to revise the present laws of the Territory whose duty it shall be to prepare and report at the next regular session a Complete body of

Statute laws Such as they may deem Suited to the Condition and wants of the people As this would require much time and research it is quite improbable that the work Could be accomplished at any Single Session, After the revisers make the Report the Legislature Could take Such action upon the laws thus proposed as in their wisdom they might think proper, enacting them as reported or modifying them in Some respects or Changing them altogether, This Seems to be the only practical or Effectual mode of relieving the Country from its present embarassments, It is the Course which most if not All the old States and other Territories have from time to time adopted in order to accomplish a needed reform in their Systems.

The present Legislature Can not in my judgment build for themselves a nobler monument nor win a more profound and lasting gratitude from their fellow Citizens nor accomplish an object more beneficial to themselves than by the enactment of a Complete and wholesome System of laws Suited to the Condition of a great agricultural, mining and Commercial people Such as we are begining, and are destined to be,

There are other Subjects upon which Legislation is greatly needed but which may be left without Serious detriment to the regular Session If however it Should be the pleasure of the Assembly to take action upon other matters it will give me great pleasure to do any thing in my power to aid in any undertaking which will tend to promote the Common weal

You have been assembled at a period of the year when your private avocations must require your attentions, It was therefore with reluctance that I exercised the power of Convoking you Nothing but a deep Sense of the importance of immediate legislative action would have induced me to take a Step which would Subject you to any personal inconvenience, I entertain however too high an opinion of your patriotic feeling to Suppose that you would be unwilling to make any reasonable Sacrafices of your private interests for the sake of advancing the general good. I tender to you assurance of my Strong desire to Co-operate Cordially with you in all measures the will promote the good of the people and advance the interests and character of our growing Territory

Confidently relying upon your disposition to discharge with fidelity the duties of the honorable trust which has been commited into your hands by the people whom you represent I invoke upon your deliberations the blessings of that benignant Providence who has already given us So many Signal manifestations of his favor

John P Gaines

August 10th 1852

Soloman Fitzhugh Commissioned Probate Judge for Douglass County

H C Hall and Samuel B Briggs Commissioned Probate Judges for Douglass County

Charles Applegate William Sloan and William Allen Commissioned Probate Judges for Umpqua County

Hall and Rice Commissioned Probate Judges for Jackson County

John Stewart and A. N. Lock commissioned Judges of Probate for Benton County

August 24th 1852

The execution of Nimrod O'Kelly respited until the 24th Sept next at 11 o'clock

Petitions on file

October 30. 1852

The resignation of Columbia Lancaster Esqr Councilman representing the Counties of Clarke Lewis Thurston Pacific and Clatsop in the Legislative Assembly having been received this day writs of election issued to the Sheriffs of said counties sent by mail and copies published in the Oregonian and Columbian for an election to fill the vacancy to be held on Monday the th day of December ensuing.

Proclamation issued setting apart the second Thursday of December ensuing as a day of Thanksgiving as follows viz—

The year now drawing to a close has been one of general prosperity to the citizens of Oregon Territory. The blessings of Divine Providence have been abundantly vouchsafed to all classes of our population. Our ample harvest has requited the labor of the husbandman. The mechanic the merchant and the professional man have also successfully pursued their several avocations, while "the pestilence that walketh in darkness and the destruction that wasteth at noonday" have not been allowed to desolate our rising country. We have been generally exempt from wars within our own limits and the Federal Republic has gone forward in her glorious career of moral and intellectual progress unobstructed by any untoward event.

In addition to these general occasions of gratitude we have special cause of congratulation in the advancement of Science and virtue in our midst. It is fitting that we should as a people acknowledge our obligations and render our thanks to the gracious Author of all our mercies. In conformity to usage in most of the States of our Union I John P Gaines do hereby appoint the Second Thursday in December next to be set apart as a day of public thanksgiving to Almighty God and invite all the citizens of the Territory to suspend their usual busineſs and observe the day in appropriate religious exercises

Given under my hand November the 9th 1852.

Jno P Gaines

Meſsage transmitted to the House of Representatives of the Legislative Aſsembly

Executive Office
Salem Dec 11. 1852.

Fellow citizens of the House of Representatives

The period for the regular Seſsion of your bodies has again returned. Matters of high moment to yourselves and to those whom you represent demand your most attentive deliberation and your wisest action. The destinies of our rising Territory are in a great degree committed to your charge. By a judicious exercise of the powers which have been delegated to you much may be done to accelerate the growth and exalt the character of our Country. The history of other portions of the Union has demonstrated that enlarged and correct legislative action can do much to hasten the development of the wealth, improve the condition and augment the happineſs of a people. I cherish the hope that animated by patriotic purposes and governed by views which embrace the interests of the whole country without the neglect of any part your doings at this seſsion may redound much to the advancement of the prosperity and well being of the Territory.

In my meſsage to you at the late extra seſsion I called your attention to the neceſsity of prompt action upon the subject of the public buildings. The arrangement of the judicial Districts and the revision of the Statutes of the Territory. I respectfully refer you to the views expressed in that document upon the subject. Recent events have magnified the necessity of the action therein recommended. The necessity for the immediate construction of a penitentiary is most urgent. There does not exist in the Territory a single suitable place designated by law for the confinement of criminals. In many instances, culprits sentenced to imprisonment have not been under that close confinement contemplated by law, for the want of suitable buildings with appropriate cells. The confinement to which they have been subjected has not operated as a punishment. It has none of the terrors of a prison. So long as this state of things occurs, one of the strongest motives to deter evil men from the commission of offences, will not exist. If we expect to have our community protected from the ravages of crimes, punishment proportioned to the degree of criminality of the offence should follow sure and swift upon its commission. The expenses also attendant upon the present mode of confining criminals under conviction are very burdensome. These would be greatly diminished if there existed an appropriate prison in which convicts could be closely kept and compelled to labor.

The forty thousand dollars appropriated by act of Congress approved June 11. 1850 (Statutes at large 1st Session 31st Congress page 438.) for the erection of a penitentiary and suitable public buildings at the seat of government being confined in its application to those objects to the Governor and Legislative Assembly of the Territory remains idle in the United States Treasury awaiting our joint action which joint action I most respectfully but earnestly invite, and in connection with the matter I recommend also the passage of laws for the establishment and regulation of a complete system of prison discipline.

By the act of Congress approved August 14. 1848 "to establish the territorial government of Oregon" latter part of section fifteen (see General Laws of Oregon, page 44,) it is enacted_ And the sum of five thousand dollars out of any money in the Treasury not otherwise appropriated is hereby appropriated and granted to said Territory of Oregon to be there applied by the Governor to the erection of suitable buildings at the seat of government. In the eleventh section of the same act, the Governor and Secretary in the disbursement of all monies entrusted to them are required to be governed solely by the instructions of the Secretary of the Treasury of the United States" a copy of the instructions of the Secretary is herewith sent marked "B". This sum remains unexpended and it will afford me great pleasure to unite it with the twenty thousand dollars appropriated by Congress to the same object provided it be the pleasure of the Assembly to proceed at once to the expenditure of the latter sum.

We have within the last few months received a large increase to our population by the coming in of the late emigration. They have in their journey encountered much suffering, incurred heavy expenses and sustained losses which you have it in your power in some measure to remove. It is our policy to encourage emigration by every reasonable inducement. Our fertile valleys, our magnificent forests our varied and extensive mineral resources our salubrious climate and our maritime advantages avail us but little unless men be had to turn them to account. It is obvious that our numbers must be swelled by persons who seek the Territory by the overland route. The journey will under the best circumstances be tedious laborious and attended with some risk both to person and property. It becomes more difficult as our settlement is approached. The emigrant then has to travel over lofty mountains and miserable roads. He is frequently overtaken by the inclemency of the weather when worn down with exposure and fatigue and exhausted in means. Our feelings and our sense of justice revolt at the idea, that whilst encountering disadvantages almost inseparable from the formation of the country and the nature of the climate he should also just upon entering our borders be beset with exactions and driven to incur expenses which he has but little ability to meet. You have it in your power in a great measure to obviate some of these evils. I therefore respectfully call your attention to the end of the overland route and ask you to adopt such measures as will lead to an improvement of the road and a diminution of the expenses and losses attendant upon travelling over it in the present state of things.

The subject of the grants made by Congress to the Territory for the establishment and endowment of an University also demands your attention. The importance of this matter arises from the importance of Education itself. Upon this subject it is impossible for us to feel too lively an interest. It affects us deeply in many of the most important relations of life. As parents, as citizens as lovers of our race, we cannot but be keenly alive to any thing that tends to the diffusion of knowledge in our midst. If we wish to transmit to our children an inheritance that will be worth possessing, we can succeed in no better way than to impart to them the benefits of intellectual and moral culture. If we wish to exalt our Territory to the highest pinnacle of greatness she is capable of attaining we must make her as conspicuous for the intelligence of her population as she is eminent for physical wealth and resources. If we wish to establish the free institutions of our country, upon a basis that will effectually resist the insidious or open assaults of despotism and advance still higher the national glory it can best be done by disseminating throughout the length and breadth of the land the blessings of science and virtue. It behooves us therefore to husband with the greatest care whatever endowments Congress has made for institutions of learning, as best to effectuate the objects for which they have been dedicated. A fund should be created, and over it such guards should be thrown as to prevent any mismanagement or waste. It should be so managed as to be made to yield the greatest amount of revenue. It should be sacredly devoted to the advancement of the cause of education. The time has arrived when prompt measures should be adopted for taking immediate possession and making a proper application of the grants made to us by Congress. So that the benign effects that must be felt from it, may begin to be felt from it, by the youth of our land.

As yet no part of the property granted by Congress for these purposes has been taken charge of in behalf of the Territory. I respectfully refer you to an act of Congress approved Feb 9 1851 (Statutes at Large Second Session 31st Congress page 568.) in which the Governor and Legislative Assembly are authorized to make such laws and needful regulations as they shall deem most expedient to protect from injury and waste sections number sixteen and thirty six in said Territory reserved in each township for the support of schools therein" The performance of this duty will be the more difficult the longer delayed and I recommend your immediate attention to it. With respect to the University claim, it is well known that the right of Congress to dispose of it as it has done, has been denied by some who set up an adverse title to it. Be this as it may the question should be settled. It is the interest of all parties to have it determined. If the Territory has the right to apply it for the establishment of an University, some one duly authorized for the purpose should take possession of it at once and enforce the rights of the Territory. More than two years have elapsed since Congress made the grant. The income of the property for that period if rightly managed would go far towards the establishment of a noble seat of learning. Instead of being received for that purpose it is appropriated mainly by a single individual. To recover it will be expensive if not difficult. The income and benefits of the property princely as they are still continue to be enjoyed by those who have no authority under the laws of Congress or this Territory to receive them. No adequate power exists by law by which the property or its income can be taken for the purposes of the grant. Further action by the Legislative Assembly is needed. I therefore recommend that such further steps be taken as the great importance of the subject demands and as will best subserve the interests of the Territory at large.

I would call your attention to the existing laws licensing drinking houses. If these establishments may be regarded as public benefits the amount exacted for a license seems to me exorbitantly high but if on the contrary they are justly considered as unmixed evils the tax should be greatly augmented or by adequate enactments they should be prohibited altogether. This is a subject of grave import to an infant but growing Territory and well merits the deliberate consideration of the Representatives of the people.

I recommend the passage of a law authorizing the appointment of persons in the several States and Territories of the Union to take the acknowledgment of deeds for property sold within our borders and I most earnestly renew my former recommendation to organize the Militia of the Territory.

To the Legislative Assembly belongs the consideration of measures which may best tend to the development of the resources of the Territory. Oregon possesses within herself many of these which with enterprise and industry will most surely render her a wealthy powerful and prosperous State. She has a productive soil and genial climate. The [illegible] forests and abundant fisheries, unlimited water power and pastures upon which even during winter innumerable flocks and herds can subsist with no other care than the mere herding. and prairies which could with only moderate labor furnish the whole of our Pacific Territories with bread. I cannot but consider it a misfortune that the search for gold, more particularly since increased population and business has within the last two years afforded us the means of profitable labor within our own boundaries has led so many of our citizens from the more stable and in the end the more remunerating labors of production. The experience of all nations has shown that a mining population never becomes really or permanently rich, and it is an undoubted fact that the neighboring State of California with all her productiveness in Gold has not repaid the capital furnished or expended from the East. It is no less clear that the large amounts of metal, brought into this Territory from the first fruits of the California mines have been measurably exhausted, and that while importations of goods from abroad are increasing, we have produced but little until recently, to send back in repayment. The consequences must display themselves in a constant drain of the proceeds of this year's mining or the alienation of our most valuable property to those who come in from other States and countries, in payment for their merchandize. It is therefore to be considered what articles we can supply to others with most profit & where we can find or create the best market for them. The wheat and other small grains of Oregon have become renowned not only for quality unsurpassed but the average quantity produced even with moderate labor greatly exceeds that of other agricultural regions. For flour particularly we ought always to find a market in California, and that we have not been able hitherto to compete with Chili and other grain producing countries is to be attributed in a great measure to the high prices of labor and transportation but in some measure also to the inferior quality of the article itself as hitherto manufactured. In this latter particular however great improvements have been recently made. The improved mills and machinery of the Eastern States should be introduced here and care should be taken not only in the making but in the packing and preservation and with increased economy in these particulars and with rapidly increased facilities of bringing the staple to places of embarkation and our neighborhood to the market we have a right to look for success from competition with any country.

The same observations apply in a measure to our manufactured lumber. There can be no doubt that waste and want of care in sawing and inattention to the quality of the material and the kinds & sizes required joined to the expense of making and shipping greatly contributed to injure the trade in the California market. That the Eastern States can at so great a distance ever maintain a profitable and permanent trade with the Pacific in so bulky an article is impossible and it remains for us by improvements in the manufacture and in diminishing the cost to regain the position we have partially lost. It is not probable that for many years at least we can enter into ship building ourselves but the superb spars furnished by the forests of yellow fir and spruce might afford a most valuable export to other countries particularly China & India. It is understood that a vessel which attempted its load with sticks on Puget's Sound was under contract with the British Navy; and it is well known that many even of the largest size are carried from the Atlantic shores by way of England to the East. Such being the case we can surely find a profitable trade by shipping them direct. Vessels which have discharged here or at San Francisco and proceed to China to load for the return voyage to the United States could be readily loaded on the very banks of our rivers with this kind of lumber. The production of many articles of food beside bread stuffs were it conducted systematically would add to the wealth of our Territory. The salmon of our rivers and the codfish which abound on the coast can be supplied to other markets in inexhaustible quantities. The immense country lying east of the Cascade range of mountains and the fertile and beautifully grass covered valleys and hills of the Umpqua and Rogue Rivers furnish a range for beef cattle unsurpassed in the world, and the rolling oak ridges and camas grounds in other parts of the Territory afford every facility for raising pork. Fruits and vegetables especially roots can be raised every where in abundance and of the first quality. For all these, both shores of the Pacific open their ports to us, if we enter upon the trade with well directed industry. It is to be remembered however that other elements besides cheapness enter into consideration among commercial advantages. The certainty of obtaining supplies, the reliable quality of the article furnished, the adaptation of the packages to the wants of the consumer all are required in making the productions of a country sought for. Among other staples of manufacture and commerce for which Oregon seems admirably adapted are wool flax and hemp. I know of no country in the world better calculated for raising the former as sheep do not require to be housed or fed at any time and no other care would be demanded for them than to preserve them from wild animals.

The immense resources of the Territory in point of water power furnish the means of manufacture on the spot of this as well as so many other productions and it deserves consideration whether capital and skill cannot be attracted hither for the purpose. That a field would be opened not only here and in California but elsewhere for consumption, I have no doubt. Flax and hemp grow spontaneously in many parts of the country. The latter particularly as manufactured by the Indians into various articles seems to be of excellent quality, and the examination at least into the subject of a production for market ought to be made. Our limited population and wealth necessarily deter us from entering largely into enterprises of this kind at present, but were the advantages of these and others demonstrated to the country at large it would be the means of bringing here men whose means are larger whose knowledge of manufacturing would lead them to the undertaking, and who would be glad to find new roads to activity and fortune. Agriculture commerce and manufactures act mutually upon one another, each advancing the interests of the rest. But no country can thrive which is not its own principal producer. Accident has in some measure hitherto protected us from the disasters which were to be expected from a drain of the precious metals caused by large importations with but little corresponding export, but in the end we must and that at no distant day either become impoverished or at a great disadvantage journey to the mines to supply the means of payment, unless we husband and develope our resources.

A general reconnaissance of the Territory has been made by Dr Evans from the Rocky mountains to the Pacific ocean including a careful examination of the country bordering on these routes. one hundred and fifty miles north and south at their western base, and from the northern boundary of Cal=

ifornia to Puget Sound. A detailed examination has been made over a considerable portion of the Territory west of the Cascade range which demonstrates that,

Limestone is found in great abundance in the main chain of the Rocky mountains, in the mountains bordering Flat Head Lake, in the hills separating that lake from St. Marys or Bitter Root Valley and at the head waters of the Spokan and Clear Water rivers. It also occurs in nodules containing a large percentage of lime in the banks of the Columbia to its confluence with the ocean. West of the Cascade range of mountains it has been observed in extensive beds in the Umpqua Valley, in the highlands bordering Clatsop Plains, along the range of highlands seven miles back of Tualatin Plains and in several localities in the valley of the Wallamet. Hydraulic lime stone has also been found in the last named valley. A thin stratum of nearly pure carbonate of lime has been found in Kings Valley near St. Mary's mountain.

Coal. No rocks of the age of true coal formation have yet been discovered in Oregon, but a bed of brown coal or lignite of considerable extent is found in the Cowlitz and several of its tributaries, and on several streams emptying into Puget Sound. A bed of bituminous lignite more compact than any of the lignites previously discovered was observed on the Skookum Chuck and in several localities in the highlands bordering that stream. The stratum is eight feet in thickness and does not crumble on exposure to atmospheric influences as far as observation has been made. A small specimen of coal found by Major Goldsborough of Olympia about twenty miles up the Steilquamish is believed to be not much inferior to the Skookum Chuck coal although not quite so compact in its structure. Coal is also found in thin seams in Kings Valley near Port Orford on the Columbia near its mouth and in the Wallamet Valley in several localities.

Lead has been observed in the Spokane country near the British line, and there is reason to expect that further research may show that some of these veins extend into our own territory.

Iron. Ores of good quality have been obtained in the Spokane and Bitter root ranges of mountains and ores of copper have been found in the southern portion of the last named range. Specimens of iron and copper ores have also been collected in the Umpqua valley. They will no doubt be found in other localities.

Saline and chalybeate springs exist throughout the Wallamet Valley, in the valley of the Umpqua, along the coast range of mountains and in fact in almost every portion of Oregon that has been visited.

Gold. The gold mines near the southern boundary of the Territory are being wrought to considerable profit. and gold in small quantities has been found on nearly all the tributaries of the Columbia heading on the eastern slope of the Cascade range of mountains. There is considerable analogy between talcose and allied rocks of the Umpqua region, and the gold bearing rocks in California, and gold has been found on the South Umpqua river, on the South fork of the Santiam east of the meridian line, on Calapooya creek a tributary of the Wallamet and in several other streams heading in the Cascade range of mountains.

Pugets Sound is beginning to awaken and from its high importance to justify the earnest attention of the enterprising and the capitalist. A large district of land lying on the north of the Columbia river and well adapted in many portions to agricultural purposes must at no distant day find its market and send its supplies at the various ports in that arm of the sea. It contains harbors combining beauty spaciousness and security in numbers fully equal to the wants of the country when it shall have reached that degree of advancement looked for by its most sanguine friends. Forests there exist in proximity to the water from which inexhaustible supplies of lumber and ship timber can be obtained — Whales and other fish abound in its waters and I entertain no doubt that profitable fisheries might be established in the region. From the great natural advantages which there exist from the fertility and extent of the neighboring soil and its various productions and capacities and from the general salubrity of the climate Pugets Sound must soon become one of the most important commercial points on the Pacific.

I ask your serious attention whether it is not advisable for your body to express to Congress an opinion of the necessity of modifying some of the features of the land bill. The growth of towns as the law now stands must be seriously retarded, giving time to come from the inability to give secure titles or to make valid contracts for the sale of town property. Whilst anything that will stimulate the growth of towns beyond the first wants of the country should be discouraged they should yet be made to keep pace with its necessities. The farmer must have his necessary supplies of merchandize and to enable him to make payment therefor he looks to the disposition of his surplus produce. But if all are producers and there are no consumers there can be no inducement to the agriculturist to raise on his farm more than will satisfy his own wants. Towns therefore commensurate with the condition of the country are of as much importance to the agricultural as to any other interest. Besides creating competition in trade by which the farmer is enabled to get a greater variety of articles of merchandize & at reasonable rates, they at the same time make a market for his produce. The benefits of the land law are practically denied to a large and most useful body of citizens, I mean the mechanics and traders who pursue their business. This class cannot occupy in person their claims and at the same time carry on their business without great inconvenience to themselves and their employers and being equally useful and meritorious with the farmer why should not their privileges be equal? The provisions made for settlers under twenty one years of age are accompanied with conditions so onerous that it is unreasonable for government to exact them. It is hardly to be expected that as a general thing the youth of Oregon are to marry before they are by law emancipated from parental control. Government for obvious reasons ought not to encourage such a policy and yet to require them to reside upon their claims without the comforts and advantages which flow from the family establishment, as a condition of retaining them is impolitic if not unjust. If in lieu of four consecutive years actual residence it were made lawful to pay into the county treasury a sum not exceeding fifty cents per acre at the discretion of the settler much relief would be afforded to many who are justly entitled to the benefits of the act. and a very handsome sum would thus be raised for county purposes as many would prefer, who really intend to remain on their claims, to pay this small sum rather than be required to occupy it in person for so great a length of time —

It is also of the utmost importance and an act of but sheer justice that those who have become widows and orphans on their way to the Territory or since their arrival in it, should have the benefits of the Donation act extended to them. It could never have been the intention of Congress to exclude this meritorious and unfortunate class of our citizens. A proper representation to the government upon these subjects would have great weight in inducing a modification of the law so that it will be in a shape which will be more in accordance with the true interests of the Territory and the beneficent intentions of its framers.

From the great extent of the Territory from its limited population and the sparseness of the settlements it is not to be expected that any very rapid advancement in its developement can be made without the assisting hand of the National Government. We have schools to establish, roads to lay out & make, bridges to build, rivers to improve and public edifices to erect. Much can and will be done by individual enterprise. Much may be accomplished by your own wise legislation and much we have a right to expect will be done for us by the General Government. The pioneers in the settlement of the country cannot be neglected by Congress. Their firmness, their hardships their virtue in journeying across the wilderness, in subduing the land, in contributing to settle the great boundary dispute will appeal and not in vain to the generous sentiments of the nation at large. Congress will reward such virtues. It will aid us by liberal appropriations in the developement of our resources. Policy if not magnanimity will dictate them for whilst such provisions will promote the growth and advance the prosperity of the Territory, they will at the same time add to the extend the usefulness and enlarge the grandeur of the Union itself.

Confiding in your disposition to discharge faithfully the high and sacred trust with which you have been honored by your fellow citizens I tender to you the sincere assurance that my best efforts will be given to aid you in accomplishing every object that will redound to the interests and honor and happiness of the Territory

In conclusion I would invoke upon your councils the blessings of that Infinite Being without whose approving smile all human deliberations are vain.

Executive Department
Salem Dec 15 1852

To the Legislative Assembly

Gentlemen

I have received your resolution requesting the Governor "to report to the Legislative Assembly at an early day the amount of money by him received and expended for the purchase of books for the Territorial Library together with a catalogue of books purchased by him and the amount of money remaining on hand unexpended if any, and what disposition he has made of the books so purchased" and have the honor to say that I received from the Treasury of the US, three thousand dollars which was invested in books and Maps and placed in a room fitted for the purpose in Oregon City, and delivered nearly two years since to Mr Turner the Librarian elected by the Legislative Assembly together with a catalogue of the entire purchase, since which time I have exercised no control whatever over the Library. In answer to the latter branch of your resolution I send a copy of a letter from the Comptroller of the Treasury of the United States

Jno P Gaines

Treasury Department
Comptroller's Office
June 5. 1851.

To his Excellency John P. Gaines Governor of Oregon

Sir

Your account for the purchase of a Library for the Territory of Oregon has been adjusted at the Treasury and a balance of $18.34 found to be due to you by the United States

Very Respectfully
Elisha Whittlesey
Comptroller